

MAR 13 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. SCS-124-1166

C# M#

Confirmation No. 5828

TC/A.U.: 4158

Examiner: M. LaPage

Date: March 13, 2009

SCOTT, et al

Serial No. 10/589,075


Filed: August 11, 2006

Title: SURFACE SHAPE MEASUREMENT APPARATUS AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on March 13, 2009, specifically to 571-273-8300.

  
Signature  
Stanley C. Spooner  
Reg. No. 27,393

No. of pages transmitted (including this cover sheet): 8 pages

Sir:

☐ Correspondence Address Indication Form Attached.☒ NOTICE OF APPEAL

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the Examiner twice/finally rejecting applicant's claim(s).

\$540.00 (1401)/\$270.00 (2401) \$ 540.00

☐ An appeal BRIEF is attached in the pending appeal of the above-identified application

\$540.00 (1402)/\$270.00 (2402) \$

☐ Credit for fees paid in prior appeal without decision on merits

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☐ A reply brief is attached.

(no fee)

☒ Pre-Appeal Brief Request for Review form attached.☒ Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s)

One Month Extension \$130.00 (1251)/\$65.00 (2251)

Two Month Extensions \$490.00 (1252)/\$245.00 (2252)

Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)

Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$ 130.00

☐ "Small entity" statement attached.

Less month extension previously paid on

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TOTAL FEE ENCLOSED \$ 670.00

☒ CREDIT CARD PAYMENT FORM ATTACHED.

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

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NIXON &amp; VANDERHYE P.C.

By Atty: Stanley C. Spooner, Reg. No. 27,393

Signature: 

03/16/2009 VBUI11 00000044 10509075

01 FC:1401

540.00 OP

03/16/2009 VBUI11 00000044 10509075

02 FC:1251

130.00 OP